

Municipal Clerk  
Atlanta, Georgia

06-?-???  
Z-06-???

AN ORDINANCE BY:  
ZONING COMMITTEE

**AN ORDINANCE TO REZONE CERTAIN PROPERTIES WITHIN THE MEMORIAL DRIVE CORRIDOR IN THE REYNOLDSTOWN NEIGHBORHOOD FROM THE R-5 (TWO-FAMILY RESIDENTIAL), C-1 (COMMUNITY BUSINESS), C-1-C (COMMUNITY BUSINESS-CONDITIONAL), C-2 (COMMERCIAL SERVICE), I-1 (LIGHT INDUSTRIAL), AND I-2 (HEAVY INDUSTRIAL) DISTRICTS TO THE MR-3 (MULTI-FAMILY RESIDENTIAL), MR-3-C (MULTI-FAMILY RESIDENTIAL - CONDITIONAL), MRC-3-C (MIXED RESIDENTIAL COMMERCIAL – CONDITIONAL), I-1-C (LIGHT INDUSTRIAL – CONDITIONAL), AND I-2-C (HEAVY INDUSTRIAL – CONDITIONAL) DISTRICTS AND FOR OTHER PURPOSES.**

**NPU-N**

**COUNCIL DISTRICT 5**

**WHEREAS**, the Memorial Drive-MLK Drive Revitalization Plan was adopted by City Council on October 1, 2001, and approved by the Mayor on October 9, 2001; and

**WHEREAS**, the Beltline Redevelopment Plan was adopted by City Council on November 7, 2005 and approved by the Mayor on November 9, 2005; and

**WHEREAS**, recommendations from the Memorial Drive-MLK Drive Revitalization Plan and Beltline Redevelopment Plan should be implemented through the rezoning of the properties within the corridor; and

**WHEREAS**, the Reynoldstown Civic Improvement League has requested the City to rezone the Memorial Drive corridor to implement the recommendations from the Memorial Drive-MLK Drive Revitalization Plan and the Beltline Redevelopment Plan; and

**WHEREAS**, the official zoning maps should be amended to include the properties along the Memorial Drive corridor as shown on “Attachment ‘A’” and “Attachment ‘B’”.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

SECTION 1: That the 1982 City of Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to include the properties located along the Memorial Drive Corridor with the designations as shown on “Attachment A” and “Attachment ‘B’”.

SECTION 2: This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance entitled "Conditional Development" as identified with the use of the suffix "C" after the district designation. The Director of the Bureau of Buildings shall issue building permits for the development of the properties with said "Conditional Development" zoning district designation only in compliance with the following conditions:

- 1) For the property located at 1043 Memorial Drive in the MRC-3-C designation:
  - a. For all uses: Floor Area Ratio (FAR) shall not exceed one (1) times the net lot area or gross land area.
  - b. FAR bonuses are not permitted.
  - c. Maximum Building Height: 50 feet.
  - d. Minimum Setback Requirements:
    - i. Along Memorial Drive: 60 feet minimum, as measured from the curb.
    - ii. Along Stovall Street: 40 feet minimum, as measured from the curb.
  - e. The following uses shall require a Special Use Permit:
    - i. Commercial greenhouses.
    - ii. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
    - iii. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
  - f. The following uses are prohibited:
    - i. Automobile service stations, car washes.
    - ii. Mortuary and funeral homes.
    - iii. New and used car sales, including motorized vehicles such as mopeds and motorcycles.
    - iv. Park-for-hire surface parking lots.
    - v. Park-for-hire parking decks.
    - vi. Repair garages, paint and body shops.
    - vii. Security storage centers greater than 7,500 square feet in floor area.
    - viii. Truck stops.
- 2) For properties in the MRC-3-C designation:
  - a. Maximum permitted floor areas without bonuses:
    - i. For non-residential uses: Floor Area Ratio (FAR) shall not exceed one (1) times the net lot area or gross land area.
    - ii. For developments that combine residential and non-residential uses: Floor Area Ratio (FAR) shall not exceed three (3.0) times the net lot area, but not greater than the maximum floor areas permitted of each.

- b. Maximum floor area with bonuses: Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to three and one-half (3.5) times gross lot area.
  - i. Affordable Housing Bonus: Developments containing residential uses shall be permitted only a floor area bonus of one-half (0.5) times net lot area or gross land area, with the provision that the minimum percentage of affordable units provided shall meet the MRC district requirements. In addition to the minimum percentage requirements for the number of units, the size of each affordable unit shall not be smaller than the smallest unit for each unit type in the overall development.
  - ii. The Open Space Streets bonus, the Ground-floor Commercial bonus, and the Civic bonus shall not be permitted.
- c. Maximum Building Height:
  - i. Any structure adjacent to Northern Avenue which is less than 30 feet from the buildable area adjacent to the required sidewalk along Northern Avenue shall be less than 40 feet in height. The height of any building or portion of a building beyond 30 feet may extend up to maximum building height of 76 feet.
  - ii. Except as provided in part (i) above, the maximum building height in other areas shall be 76 feet.
- d. The following uses shall require a Special Use Permit:
  - i. Commercial greenhouses.
  - ii. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment when located on subterranean levels or the second floor above sidewalk level and higher, or on ground floors provided that retail, office, institutional or residential uses are provided for a minimum depth of 20 feet from any building façade along the public sidewalk.
  - iii. Nursing homes, assisted living facilities, personal care homes and rehabilitation centers.
- e. The following uses are prohibited:
  - i. Automobile service stations, car washes.
  - ii. Mortuary and funeral homes.
  - iii. New and used car sales, including motorized vehicles such as mopeds and motorcycles.
  - iv. Park-for-hire surface parking lots.
  - v. Park-for-hire parking decks.
  - vi. Repair garages, paint and body shops.
  - vii. Security storage centers greater than 7,500 square feet in floor area.
  - viii. Truck stops.

3) For properties in the MR-3-C district designation:

- a. Any structure adjacent to either Northern Avenue or Stovall Street which is less than 30 feet from the buildable area adjacent to the required sidewalk along either Northern Avenue or Stovall Street shall be less than 40 feet in

height. The height of any building or portion of a building beyond 30 feet may extend up to maximum building height of 76 feet.

4) For properties in the I-1-C and I-2-C district designation:

- a. No building permit involving demolition of existing structures, new construction, or alterations to the building facades shall be issued without approval from the Director of the Bureau of Planning.
- b. Maximum Building Height: 76 feet.
- c. Drive-through service windows, drive-in facilities and associated queuing areas shall not be located between any building and the street.
- d. The following uses shall require a Special Use Permit:
  - i. Broadcasting towers, line of sight relay devices for telephonic, radio or television communications when located 200 feet or more from any off-site residential districts or residential use not located in an industrial district and when such towers are greater than 200 feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
  - ii. Churches, synagogues, temples, mosques and other religious worship facilities.
  - iii. Hotels/Motels.
  - iv. Individual Retail establishments, including those with sales or display lots or storage lots, greater than 10,000 square feet of floor area.
- e. The following uses are prohibited as applicable per district:
  - i. Acid manufacture.
  - ii. Adult businesses as defined in section 16-29.001(3).
  - iii. Asphalt plants.
  - iv. Cemetery and mausoleum.
  - v. Concrete plants, cement plants, plants for the manufacture of lime, gypsum or plaster of Paris.
  - vi. Compost facility.
  - vii. Distillation of bones and glue manufacture.
  - viii. Explosive manufactures or storage.
  - ix. Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
  - x. Fat rendering and fertilizer manufacture.
  - xi. Garbage, or animal or dead animals, reduction or dumping.
  - xii. Hazardous toxic materials, including radioactive materials.
  - xiii. Materials recovery facility.
  - xiv. Municipal solid waste disposal facility.
  - xv. Paper and pulp manufacture.
  - xvi. Park-for-hire surface parking lots.
  - xvii. Park-for-hire parking decks.
  - xviii. Petroleum, or its products, refining of.
  - xix. Processing operation facility.

- xx. Solid waste handling facility.
  - xxi. Repair garages, paint and body shops. (welding shops are permitted)
  - xxii. Sales and leasing agencies for new and used passenger automobiles and commercial vehicles.
  - xxiii. Sanitary landfills.
  - xxiv. Service station; car washes.
  - xxv. Smelting of tin, copper, zinc or iron ores.
  - xxvi. Terminals, freight, rail bus or truck, when erected or operated other than by a governmental agency.
  - xxvii. Truck stops.
  - xxviii. Yards for storage of contractor's equipment; sand and gravel; lumber, junkyards, salvage yards (including automobile), scrap metal processors and similar operations.
  - xxix. General advertising signs.
- f. Public sidewalks shall be located along all public and private streets and shall have minimum widths as specified herein. Sidewalks shall consist of two zones: A street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:
- i. Street furniture and tree planting zone requirements. The street furniture and tree planting zone shall have a minimum width of five feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Director of the Bureau of Planning.
  - ii. On-street parking may be placed in the street furniture zone, provided that street trees are installed in bulb-outs located at intervals within the area used for on-street parking, as approved by the Director of the Bureau of Planning.
  - iii. Clear zone requirements. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight feet and for a minimum width as specified below, by any permanent or nonpermanent element.
    - 1. Along Memorial Drive and Bill Kennedy Way: Minimum width of 10 feet.
    - 2. Along all other streets: Minimum width of six feet.
  - iv. Street tree planting requirements. Street trees are required and shall be planted in the ground a maximum distance of 40 feet on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall have a minimum planting area of 40 square feet. Said planting area shall also be planted with evergreen ground cover such as mondo grass or *liriope spicata* except where tree grates

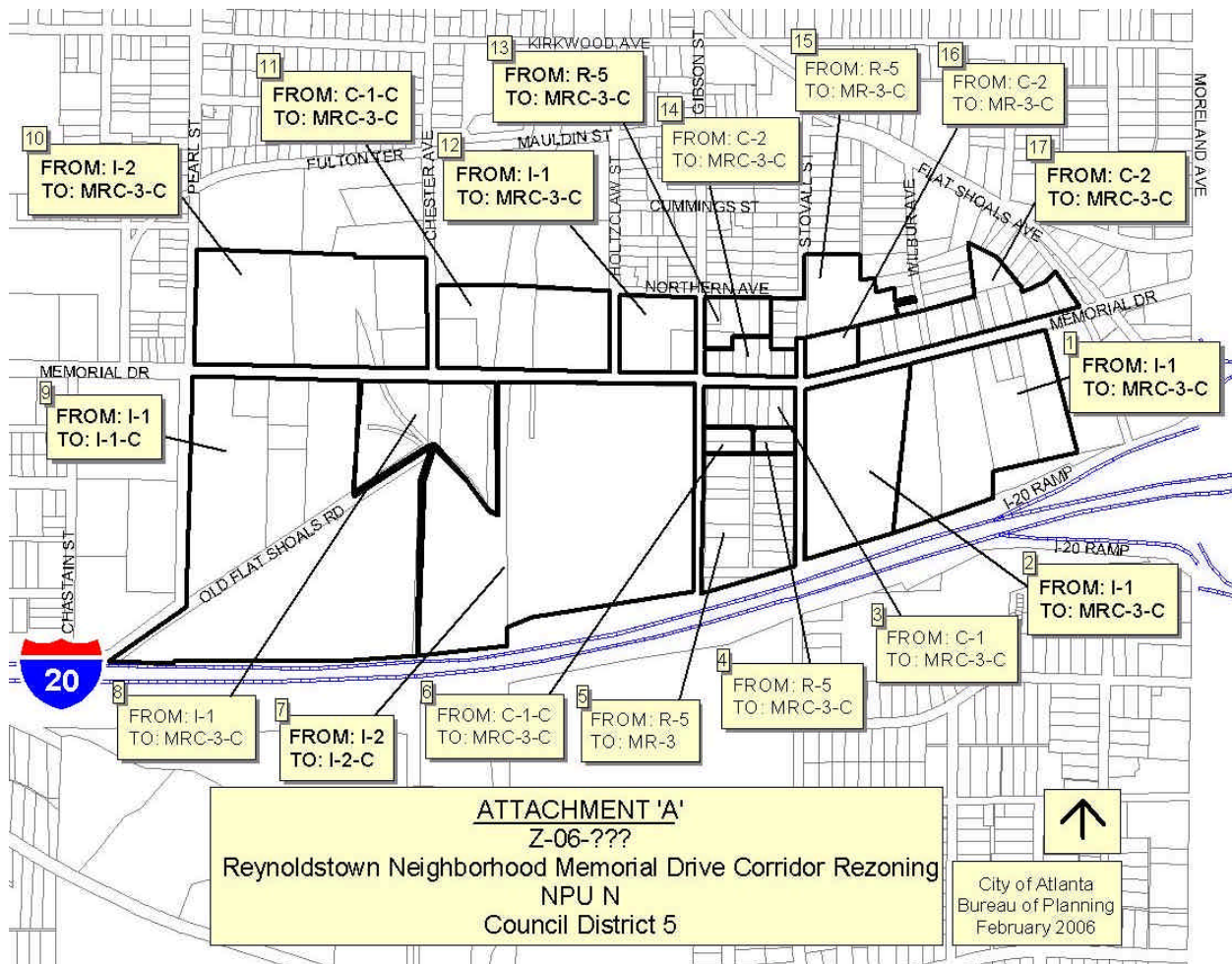
- are installed. All plantings, planting replacement, and planting removal shall be approved by the city arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriope spicata or shall be paved as approved by the Director of the Bureau of Planning. Variations may be granted by the Director of the Bureau of Planning, subject to constraints such as overhead or underground utilities and Georgia Department of Transportation requirements along state routes.
- v. Paving. All paving within the street furniture and tree planting zone that is not standard poured concrete, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
  - vi. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade. See subsection 16-28.008(9), Visibility at intersections.
  - vii. No awning or canopy shall encroach beyond the clear zone.
  - viii. Decorative pedestrian lights, where installed, shall be placed a maximum distance of 60 feet on-center and spaced equal distance between required trees along all streets unless otherwise approved by the Director of the Bureau of Planning. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
  - ix. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
  - x. Trash receptacles or similar elements, where installed, shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
- g. Fences and walls shall meet the following regulations:
- i. Fences located between the primary building and a public or private street shall not exceed six feet in height.
  - ii. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas
  - iii. No barbed wire, razor wire, chain link fence (with the exception of black vinyl-coated fencing) or similar elements shall be visible from any public plaza, sidewalk-level outdoor dining area or public or private street.
- h. Pedestrian entrances: The primary pedestrian entrance to access all sidewalk-level uses with public or private street frontage shall face and be visible from the public or private street when located adjacent to such street. When located along a street that functions as an arterial or collector, shall face, be visible from, and be directly accessible from the sidewalk along such street. Entrances shall remain unlocked during business hours for nonresidential uses.

- i. Loading areas, loading dock entrances and building mechanical and accessory features:
  - i. Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way.
  - ii. Loading dock entrances shall be screened so that loading docks are not visible from the public right-of-way.
  - iii. Building mechanical and accessory features:
    - 1. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
    - 2. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
- j. Driveway curb cut requirements:
  - i. All sidewalk paving materials shall be continued across any intervening driveway curb cut at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
  - ii. Shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of five feet from the sidewalk.
  - iii. Shall be a maximum of 24 feet wide for two-way entrances and 12 feet wide for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
  - iv. Shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street with similar land uses on adjacent properties, with the exception of hotel patron drop-off drives.
  - v. Maximum permitted number of driveway curb cuts for each development, subject to the provisions of Section 16-25.002(3):
    - 1. Developments with only one street frontage, which is less than 300 feet in length: one;
    - 2. Developments with only one street frontage, which is greater than 300 feet in length: two;
    - 3. Developments with more than one street frontage: one located on each street frontage, provided that curb cuts shall not be permitted on arterial or collector streets when access may be provided on other streets with adjacent land uses similar to that of the subject property.
    - 4. Two curb cuts serving two one-way driveways shall only be counted as one curb cut.
- k. Parking structures: shall conceal automobiles from visibility from any public park, right-of-way or private street, and shall have the appearance of a horizontal storied building on all levels from said park, right-of-way or street.

- l. All lighting in parking decks and surface parking lots shall reduce light spillage outside of property by providing cut-off luminaries which have a maximum 90 degree illumination. Lighting within parking decks shall not contain unshielded internal light bulbs that are visible from any public park, right-of-way or street.
- m. Off-street parking requirements:
  - i. All developments shall have walkways a minimum width of four feet connecting ground-level parking to the public sidewalks and to all building entrances.
  - ii. Surface Parking Lot Landscaping: The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements shall apply except as modified as follows:
    - 1. Said parking lot landscaping requirements shall apply to all lots regardless of size;
    - 2. All parking bays shall be terminated with a landscaped strip a minimum width of five feet and equal to the length of the parking bay.
    - 3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
    - 4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one tree with a minimum caliper of two and one-half inches.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.





Area	Address(es)	Zoning From	Zoning To
1	Odd addresses from 1061 Memorial Dr. through 1105 Memorial Dr.	I-1	MRC-3-C
2	1043 Memorial	I-1	MRC-3-C
3	Odd addresses from 985 Memorial Dr. through 999 Memorial Dr.	C-1	MRC-3-C
4	Odd addresses from 309 Stovall St. through 313 Stovall St.	R-5	MRC-3-C
5	Even addresses from 314 Gibson St. through 364 Gibson St. Odd addresses from 317 Stovall St. through 355 Stovall St.	R-5	MR-3
6	985 Memorial Dr. (rear)	C-1-C	MRC-3-C
7	Odd addresses from 905 Memorial Dr. through 949 Memorial Dr. Even addresses from 310 Chester Ave. through 356 Chester Ave.	I-2	I-2-C
8	Odd addresses from 841 Memorial Dr. through 869 Memorial Dr. 313 Chester Ave.	I-1	MRC-3-C

Area	Address(es)	Zoning From	Zoning To
9	Odd addresses from 767 Memorial Dr. through 833 Memorial Dr. 810 Old Flat Shoals Rd. 815 Old Flat Shoals Rd.	I-1	I-1-C
10	Even addresses from 780 Memorial Dr. through 846 Memorial Dr. Odd addresses from 269 Chester Ave. through 273 Chester Ave.	I-2	MRC-3-C
11	Even addresses 872 Memorial Dr. through 940 Memorial Dr. 236 Chester Ave.	C-1-C	MRC-3-C
12	Even addresses 948 Memorial Dr. through 968 Memorial Dr. Odd addresses 261 Gibson Ave. through 273 Gibson Ave. Odd addresses 901 Northern Ave. through 957 Northern Ave.	I-1	MRC-3-C
13	272 Gibson Odd addresses 973 Northern Ave. through 999 Northern Ave.	R-5	MRC-3-C
14	Even addresses 974 Memorial Dr. through 1118 Memorial Dr.	C-2	MRC-3-C
15	Odd addresses 241 Stovall Ave through 257 Stovall Ave. 230 Stovall (rear)	R-5	MR-3-C
16	230 Stovall (front)	C-2	MR-3-C

Area	Address(es)	Zoning From	Zoning To
17	Even addresses 1046 Memorial Dr. through 1118 Memorial Dr. Un-named parcel north of addresses 1080, 1082 & 1096 Memorial Dr.	C-2	MRC-3-C